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DIESEL U.S.A., INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MEGAN LABRADOR, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

DIESEL U.S.A., INC., a New York Corporation

Defendant.

CLASS ACTION

Case No. CV 11-00014 (CRB)

**STIPULATION AND [PROPOSED]
ORDER TO ALLOW AMENDMENT
OF COMPLAINT AND CONTINUE
CASE MANAGEMENT CONFERENCE**

Hon. Charles R. Breyer

JURY TRIAL DEMANDED

Case No. CV 11-00014 CRB

STIPULATION AND [PROPOSED] ORDER TO
ALLOW AMENDMENT OF COMPLAINT AND CONTINUE CMC

1 Plaintiff Megan Labrador (“Plaintiff”) and Defendant Diesel U.S.A., Inc. (“Defendant”),
2 by and through their undersigned counsel, hereby stipulate and agree as follows:

3 WHEREAS, this case was originally filed in California state court but removed to this
4 Court on January 3, 2011;

5 WHEREAS, as reflected in the parties’ stipulation filed April 21, 2011 (Docket No. 15),
6 the parties agreed to continue the initial case management conference to allow newly retained
7 counsel for Plaintiff and counsel for Defendant time to discuss potential amendment of
8 Plaintiff’s complaint, in part to address issues raised by Defendant during the initial meet and
9 confer;

10 WHEREAS, the parties have completed those discussions and Defendant has agreed to
11 allow Plaintiff to file an amended complaint in the attached form (Attachment A), without
12 waiver of any rights to challenge said pleadings, or any defenses to the amended claims,
13 including, but not limited to, relation back to claims asserted in Plaintiff’s prior complaints;

14 WHEREAS, Plaintiff’s new proposed complaint would reduce, from 14 to seven, the
15 number of claims brought by her on her own behalf and on behalf of a proposed class, including
16 elimination of her claim for any penalties brought pursuant to California Labor Code section
17 2699 (*i.e.*, the Private Attorney General Act, or “PAGA”); and

18 WHEREAS, counsel for Defendant now has a conflict for the date of the rescheduled
19 Case Management Conference (June 17, 2011), and the parties have agreed to seek continuance
20 of that conference given their progress on the foregoing, several other case management issues
21 and discussions regarding potential mediation;

22 THEREFORE, the Parties hereby submit this stipulated request and respectfully request
23 that the Court issue an order:

- 24
- Granting leave to Plaintiff to amend her complaint;
 - Continuing the Case Management Conference currently set for June 17, 2011 to
25 July 15, 2011 at 8:30 a.m., or to another date or time thereafter and convenient to
26 the Court’s calendar;
- 27

- Continue the deadline to file a joint case management statement according to the date of the continued case management conference and the Court's Order Setting Case Management Conference, dated March 8, 2011.

IT IS SO STIPULATED

DATED: June 2, 2011

KERR & WAGSTAFFE LLP

By /s/
MICHAEL NG

Attorneys for Plaintiff
MEGAN LABRADOR

DATED: June 2, 2011

ARENT FOX LLP

By /s/
HARRY I. JOHNSON

Attorneys for Defendant
DIESEL U.S.A., INC.

I, Michael Ng, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order to Continue Case Management Conference. In compliance with General Order 45, X.B., I hereby attest that Harry I. Johnson, counsel for Defendant, has concurred in this filing.

DATED: June 2, 2011

KERR & WAGSTAFFE LLP

By /s/
MICHAEL NG

Attorneys for Plaintiff
MEGAN LABRADOR

ORDER

Having reviewed the stipulation submitted by the parties, and good cause appearing, the Court hereby orders the following:

- Plaintiff is granted leave to amend her complaint;
- The Initial Case Management Conference in this matter is reset for Friday, July 15, 2011 at 8:30 a.m. The deadline to file a joint case management statement according to the date of the continued case management conference and the Court's Order Setting Case Management Conference, dated March 8, 2011.

IT IS SO ORDERED.

DATED: June 3, 2011

